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SERVICE DATE - SEPTEMBER 2, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 638X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN KNOX COUNTY, OH

Decided: September 1, 2004

By decision and notice of interim trail use or abandonment (NITU) served on October 31, 2003, the Board granted the petition for exemption filed by CSX Transportation, Inc. (CSXT), for abandonment of an approximately 6.37-mile line of railroad, in CSXT's Midwest Region, Louisville Division, Lake Erie Subdivision, extending from milepost BQ-25.90, at Mt. Vernon, to milepost BQ-32.27, at Fredericktown, in Knox County, OH. The exemption was subject to public use, environmental, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Knox County, OH Commissioners (Knox County) to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding. The negotiating period was extended through November 1, 2004, by decisions served on April 26, 2004, July 9, 2004, and August 24, 2004.

CSXT filed a request for an extension of the negotiating period until December 28, 2004. CSXT states that the parties are actively engaged in negotiations, and that an extension of time is necessary to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended to December 28, 2004.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request of CSXT to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to December 28, 2004.

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-158 (1987).

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary